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Answer

TO A

FEDERAL PAMPHLET,

ENTITLED,

"THE DIPLOMATIC POLICY OF MR. MADISON UNVEILED."



SOME zealot, bewildered by the madness of party, or afflicted with the Bonapartean brain fever, has lately been publishing his absurdities and his ravings in the Boston papers, and now in the form of a pamphlet they are circulating in the country. Gross as are the misrepresentations it contains—absurd and unfounded as are its statements, it is read by many well-meaning citizens with belief, and many, who do not believe, with approbation.

It seems to have been the intention of the author to shew, that Mr. Madison entertains sentiments of inveterate hostility to Great Britain, and unwarrantable attachment to the politics of France; that in the late arrangement between this country and Great Britain, Mr. Erskine was duped; that our government, when they made the arrangement, expected it would be disavowed, knowing it to be contrary to the instructions of Mr. Erskine; and that there is nothing insolent or insulting in the letters of Mr. Jackson.

In conducting this discussion the author has proved the sincerity of his intention, at the expence of every thing which ought to be due to a man of sensibility and honor. He has wilfully misrepresented facts—has discovered his partiality and malignity by the discolored statements he has made—and has, through the whole manifested a desire, ever uppermost in his heart and continually leading him astray, to find the government of his country guilty—to degrade it in the eyes of its constituents and the world. Party spirit has so long rankled in his bosom, that it has expelled every noble sentiment—deadened every patriotic feeling.

In this pamphlet, which may in some respects be considered as an answer to the other, it is intended to expose the erroneous statements of the federal writer; to vindicate our government from his unfounded imputation, and by giving a correct display of its conduct and principles, to strengthen the confidence with which it has hitherto been deservedly honored by the people. In doing this the author will not suffer himself to be knowingly misled by the spirit of party. Infallibility is not the lot of human nature, and he will not therefore require the implicit belief of the reader to all his deductions and opinions, by protesting that the most rigid impartiality shall control his

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pen. On the contrary, knowing his liability to err, he invites him to peruse with all the watchfulness of a critic, and pass sentence with all the severity of a judge. It would occasion him no little unhappiness were he, though unintentionally, to mislead his fellow citizens.

The first No. is merely an introduction to the series. The second, contains some remarks upon Mr. Madison's conduct previous to his accession to the presidency. As our object is to review only that part of the pamphlet which relates to the documents lately published, we shall notice them no farther than to observe, that in the latter the writer attributes to Mr. Madison, motives and prepossessions of which no one ever before had the hardihood to accuse him, and of which he has repeatedly, by the federalists themselves, been declared innocent. Such a commencement furnishes no presumption in favor of his impartiality or candor.

The whole of the third and part of the fourth number is taken up in attempting to prove, that the three conditions contained in Mr. Canning's dispatch of the 23d of January, were not insulting, as Mr. Canning had a right to presume they would be agreed to by our government. But how did Mr. Canning become possessed of this right? By *pretending* to have understood, through Mr. Pinkney and Mr. Erskine, that the conditions were agreeable to the present administration. That Mr. Canning did really so understand Messrs. Pinkney and Erskine, it is absurd to suppose. One of these conditions was that we should relinquish entirely the colonial trade; and according to Mr. Canning, it was Mr. Erskine who assured him that this condition would be agreed to by our government: How could a man so astute and penetrating as Mr. Canning, suppose that we should relinquish the direct trade with the enemy's colonies, when that trade had never been the subject of negotiation, or at least had never been interrupted by the British government? How could he suppose that we should relinquish more than he had demanded? And besides, Mr. Erskine expressly declares, at the close of his letter to Mr. Gallatin, that he never had represented to his government that the United States would agree to relinquish that trade.

The substance of another condition was, that the American government should repeal the non-intercourse laws, &c. as far as they related to Great Britain, and leave them in force as far as they related to France. The federal writer conceives that Mr. Canning had a right to consider the American government *pledged* to do this on Mr. Erskine's agreeing to revoke the orders in council. Mr. Madison having when secretary of state declared his opinion that should either of the belligerents relax their restrictions upon neutral commerce, the United States would at once side with that power against the other which should continue its aggression. This, according to him, amounted to a pledge; "for, says he, the President and Senate have a right to make treaties which *ipso facto* become the

supreme laws of the land.”—The secretary of state delivers an opinion—the president and senate have a right to make treaties—therefore the government is pledged !—Admirable reasoning !

As to the last condition, which is the most insulting of all, to wit, that the British navy should be permitted to carry into effect the stipulations we should make, Mr. Canning did not pretend he had any other reason to believe it would be acceptable to our government, but an opinion to that effect which he understood Mr. Pinkney to express, in an informal conversation with him. Mr. Pinkney has since declared that he never expressed such an opinion ; and therefore Mr. Canning is deprived of all the support which he intended to reap from his pretences.

Every one must confess that the tender of such conditions as these, would be insulting to any government, unless something had taken place to excuse him by whom they were proffered. This Mr. Canning knew, and therefore he pretended to have understood that they would be accepted by our government. This pretence, we have shewn, was supported by at least very shallow foundations.

“No point,” says the federal writer in his fourth No. “can be more fully settled, than that a mere letter of credence appointing a man a minister resident or even plenipotentiary, does not of itself include the power to make a treaty.” This doctrine, thus expressed, we shall not at present controvert ; but we shall contend, that a minister plenipotentiary is a competent officer to conclude such an *agreement* as that concluded by Mr. Erskine ;—an agreement of a transitory nature, which had but one object in view---that of restoring to each nation the rights which each respectively enjoyed but a short time before it was made.

The position intended to be taken is, that a minister plenipotentiary is a competent officer, as far as it concerns the court at which he resides, to conclude an *agreement*, without being specially authorised for that purpose, by a new commission from his sovereign.

The minister, for his own safety and justification, ought to be furnished with instructions for the regulation of his conduct ; but if he concludes an agreement without them, that is an affair between him and his master. It does not concern the government with which the agreement was made.

A section in Vattel, the most approved author upon the law of nations, authorises an opinion that it requires greater solemnities to conclude a *treaty* than an *agreement*.

“The pacts, (he observes) with a view to transitory affairs, are called *agreements*, conventions, and pactions. They are accomplished by one single act and not by iterated oaths. These *pacts* are perfected in their execution once for

all ; *treaties* receive a successive execution, the duration of which equals that of the treaty."

By this it should seem that though Mr. Erskine were not authorised to conclude a *treaty*, he might nevertheless have been competent to conclude an *agreement*.

But there is another reason sufficient of itself to stop the mouth of every friend of England in this country ; the British government did not itself suppose that a special commission was necessary. This appears, from their having neglected to furnish their envoy with one, although it was their wish and intention that he should conclude an agreement. They supposed that letters of instruction would be sufficient, and accordingly sent nothing else.*

Of the same opinion was Mr. Jackson. " No full power, says he, was given in the present case, *because it was not a treaty*, but the *materials for forming a treaty*, that was in contemplation." Again---" In this case, Mr. Erskine's instructions took the place of a full power."

By some it is contended that Mr. Smith ought to have demanded a sight of Mr Erskine's instructions, in order to be certain that they authorised him to conclude the agreement in question. But this would have been improper, and even impertinent. It would have implied a doubt of Mr. Erskine's honesty and veracity,† as he had repeatedly declared that they did authorise him to do it. Mr. Smith ought to have presumed, as he did presume, that Mr. Erskine's instructions warranted the course he pursued.

The following extract of a letter from Mr. Canning to Messrs. Munroe and Pinkney, dated Oct. 22d, 1807, supports the doctrine, that a government ought not to concern itself with the instructions of the minister with whom it treats. He is speaking of the President's refusal to ratify Munroe's treaty.

" Some of the considerations upon which the refusal of the President of the United States to ratify the treaty is founded, are such as can be matter of discussion only between the American government and its commissioners ; since it is not

* The case referred to by the federalists, which occurred during the administration of Washington, will be found to be decidedly *against* them if the whole is taken into consideration. In that case Mr. Jefferson, then secretary of state, called, it is true, upon Mr. Hammond the British minister, for the exhibition of his full power, or special commission ; but afterwards *provided to negotiate*, though Mr. Hammond informed him he had no special commission, but only a letter of credence as minister plenipotentiary, and instructions for the regulation of his *personal conduct*. He was therefore precisely in the same situation as Mr. Erskine.

† " It should here be remembered," says the federal writer in his 8th No. " that Mr. Jackson is the representative of a sovereign power, which treats with us on equal terms, and that to call in question his veracity, is to doubt the veracity or honor of his sovereign." Was not equal credit due to Mr. Erskine ?

for his majesty to enquire whether, in the conduct of the negotiation the commissioners of the United States have failed to conform themselves, in any respect, to the instructions of their government."

We will again make use of Mr. Jackson to support a position we have taken. His authority and that of Mr. Canning, what federalist will dare controvert? In his letter dated Oct. 23d, he observes---"It is not intended to call upon me to state as a preliminary to negotiation, what is the whole extent of my instructions; they must, as I have before said, remain subject to my own discretion."

It will, on the slightest reflection, appear manifestly improper that a government should possess the right of having the instructions of a foreign minister displayed before them. By this means, all the secrets of his cabinet, his whole plan of operations, would be disclosed. The government with which he was treating would learn the whole extent of the surrender he was authorised to make, and obtain his lowest terms.*

We have shewn, to the satisfaction, we presume, of every candid politician,

That Mr. Erskine was a competent officer, so far as it concerned our government, to conclude the agreement of April last:

And that Mr. Smith ought not to have demanded either a sight of Mr. Erskine's instructions, or to know their full extent and purport.

"But, says the federal writer, the actual conditions of Mr. Erskine's instructions *were known*; and it was known that the arrangement violated them." "They were not merely the substance, they were the *whole* of Mr. Erskine's instructions."

It is disgusting, it is mortifying to be obliged to deal with a man so destitute of principle and of honor as to publish such manifest falsehoods. Would to God it were not necessary to expose them to the people. Gladly would I relinquish my pen to perform the duties of a parish beadle. Depravity less shocking---meanness less contemptible, would then present itself to my contemplation. The thief who stole, the swindler who cheated, might plead ignorance, poverty and hunger as a partial excuse: They might not all be destitute of love for their country and respect for its government. Something would then exist to alleviate the painful sensations which I should otherwise feel, and which I do feel while viewing the

* The doctrine, that a minister ought to disclose his instructions on the demand of the power with which he is sent to treat, reminds us of a pleasant anecdote of a certain federal character, who has some times shewn himself upon the political stage, and who fancies he has made many *Caustic* applications to the republican party. Being when young sent by his father to treat concerning the sale of some property, he was asked by the intended purchaser, what *instructions* his father had given him. "My father told me, he replied, to insist upon having twenty dollars, but if you refused to give it, to take fifteen."

pamphlet before me. I am now sensible, that the republican editors in Boston had reason for treating the author in such a contemptuous manner.

The meaning he intends to convey by these assertions, if we take them in their most obvious sense, or judge by the deductions he makes, is, that our government, when they made the agreement, knew what were Mr. Erskine's instructions, and that he was acting in violation of them.

That this was not the case, we have the positive assertion of Mr. Smith himself, to invalidate which not a particle of evidence has been or can be produced.

I shall here perhaps be told that Mr. Jackson has stated and Mr. Smith acknowledged, that the three conditions contained in the despatch from Mr. Canning of the 23d of January, were communicated. But these conditions were not by any means the substance, they formed but a *small part* of the despatch. They were separated from the context, and thereby deprived of *all the consequence* they would otherwise have possessed. In this state of separation, disconnected with every thing else, were they communicated, and verbally too, as has been declared in the papers at the southward. Could Mr. Smith, by hearing, or even by reading, the conditions *in such a state*, know what were the whole of Mr. Erskine's instructions? If he could, he must have possessed more than human powers--he must have possessed omniscience. And had he possessed a sufficient portion of that attribute of Deity to know what was the substance of the despatch of the 23d of January, he might still have supposed that other despatches existed, which authorised Mr. Erskine to conclude the agreement. Indeed any other supposition was impossible, as Mr. Erskine assured him that he was acting in pursuance of instructions from his government, and nothing is more common than for a minister to have two or more sets of instructions with as many different grades of conditions.

It may be expected, perhaps, that I should here acknowledge that, in fact, Mr. Erskine had no other instructions. But this would be needlessly abandoning a point which can be proved, or at least supported by very probable evidence.

In Mr. Erskine's letter to Mr. Smith, he expressly states that, *upon this subject*, he actually had other instructions; and every natural supposition must corroborate this statement. It could not be supposed that he was acting without instructions or contrary to those he possessed. In so doing he must have known that he should offend his sovereign, forfeit his office, and completely destroy his reputation; and that, to balance all these evils, he had not one advantage or benefit to hope for. With these prospects before him, his motives and principles of action must have been different from those of every other mortal, or the supposition is unreasonable that he acted contrary to his instructions.

But, (it will be said) Mr. Jackson asserts expressly and solemnly, that Mr. Erskine had no other instructions. At the most, then, there is assertion against assertion; Mr. Jackson against Mr. Erskine---And which shall we believe? They are both representatives of his majesty, "who can do no wrong," and to disbelieve either "would be to doubt the honor and veracity" of his said majesty. His honor and veracity must therefore be in a very disagreeable predicament, for we cannot believe both. We have a right, however, to take our choice. Shall we believe Mr. Jackson, whose reputation has been tarnished by the disgraceful services in which he has been employed; who has no corroborating circumstances to support his declaration; and who could not know, with positive certainty, the truth of what he asserted, as he must have depended upon the information of Mr. Canning. His evidence, in a court of justice, would amount to nothing but hearsay. Or shall we believe Mr. Erskine, whose reputation is fair and unblemished; who has not yet lost the openness, the candor, and the ingenuousness of youth; to whom the real truth must be known; and whose conduct cannot be accounted for upon any principle by which the actions of man have been heretofore judged, unless we suppose him to have stated the truth? No candid man will hesitate an instant.

Let us look back to the time when this agreement was made. We may possibly find something to account for all this confusion, this contradiction, this making and unmaking of agreements. At that time our non-intercourse system kept from England a large quantity of the provisions upon which her inhabitants had to that time fed; it prevented her manufacturers from receiving their usual supplies of raw materials, and it also prevented them from vending most of the articles they had fabricated. The consequences were a stagnation of trade, and frequent riots among the distressed subjects. Much as it was the interest of England to prevent these facts from being known, they were known on this side of the Atlantic; and probably not half was told us. Only the murmurs of distress were heard; and with the dreadful example of Ireland before their eyes, what dared the oppressed poor of England do more than murmur? But these murmurs carried dismay and terror to the hearts of their rulers. Some plan they knew must be contrived to alleviate the distresses of the people, or something more terrible than murmurs was to be expected. While the decrees of France were in force, they were too haughty to revoke their orders, and by that means procure the benefits of our commerce. Some other expedient must be adopted, and probably the following was conceived most advisable: To instruct Mr. Erskine---perhaps by secret instructions, which he was bound never to reveal---perhaps verbally by Mr. Oakley, who was

sent from England but a short time before the agreement was made---perhaps ambiguously, so that the letter would be contrary to the spirit—in some of these ways, to instruct Mr. Erskine to procure the repeal of our non-intercourse laws, by promising the repeal of their orders. They knew that the sea would be immediately covered with our vessels; that their markets would be glutted with our produce; that a ready sale would be made of their manufactures, and that the clamors of the laborer, the mechanic, and the merchant would be appeased. They might then disavow the act of their minister, declare he had acted contrary to his instructions, and what remedy had we? We could not recall our ships, nor was there any court before which we could cite them for a breach of contract. Having obtained what they so much desired, they could keep also the equivalent they had promised, and then laugh in secret at the dexterity with which they had overreached us.

Is any thing more probable than this supposition? Is it not supported by the whole tenor of the British conduct?

If they had no intention of tricking us, why did they instruct Mr. Erskine (and only instruct him) to conclude an agreement with us, which according to their present doctrine, would be invalid if not with full power?—They offer no reason, independent of the pretended violation of instructions, for the disavowal of the agreement, but that it would compel them to “sacrifice a great system of policy acted upon in retaliation of the unprecedented modes of hostility resorted to by the enemy.” But this sacrifice, by which is meant the repeal of the orders in council, Mr. Erskine was actually instructed to make. They had therefore contemplated it, if they were sincere in their despatches to him.

To shew that it was really known here, at the time the agreement was made, that Mr. Erskine had violated his instructions, it is stated, in No. 5, *to have been reported*, that Mr. Gallatin, Mr. Seaver, and Mr. Prince, all respectable republicans, declared, before the news of the disavowal had reached this country, that “they feared the agreement would not be ratified, as Mr. Erskine had exceeded his powers.” Mr. Prince has publicly and solemnly contradicted the report, as far as it regarded him, and the other two would undoubtedly do the same could they condescend to notice it.

As an argument to prove that our government was not sincere in making the arrangement with England, the writer, in No. 6, adverts to the appointment of Mr. Adams, as minister plenipotentiary to Russia. According to his doctrine, a neutral power ought not to have a minister at the court of *one* belligerent, if she is on terms of amity with *another*. Of course then, if we desire to keep on amicable terms with England we ought to recall our minister from France. This is too flimsy, too childish to need refutation. It is quoted merely to shew

to what kind of reasoning the writer is obliged to resort, and what is the extent of his intellectual faculties.

“Great Britain would have a right,” says the federal writer, “to have refused to ratify the agreement, even if Mr. Erskine had pursued his instructions, because he was not invested with a full power.” Shall not a government then be bound by an agreement which they have instructed their envoy to make, because from their own intentional neglect, he is not furnished with full powers? The most ignorant and illiterate will at once see the absurdity of this doctrine.

In the pamphlet before us, reference is made to the rejection of the treaty concluded by Messrs. Munroe and Pinkney, and this circumstance is frequently adduced to shew that our government had once exercised that power which they now deny to others. But there is a total dissimilarity in the two cases. Our ministers, when they signed the treaty, declared they were acting contrary to their instructions, and that their government ought not to be considered as pledged to ratify it; an article was inserted, which expressly reserved the right of ratification, (and of course rejection) to our government; and the treaty was not to take effect until the ratifications were exchanged. On the other hand, the British minister declared he was acting in pursuance of his instructions; the agreement was to take effect immediately, and in good faith we performed what was stipulated on our part; it was perfected as soon as signed by Mr. Erskine, and no right of ratification or rejection was reserved to the British government. It is hardly possible that two cases could be more dissimilar.

Admitting that Mr. Erskine had no special commission for this particular purpose from his sovereign, and admitting also, for the sake of argument, that he acted contrary to his instructions, still it is contended that Great Britain had no right to disavow the agreement, unless she could adduce “strong and solid reasons” for the disavowal, independent of the violation of instructions—unless she could shew at least that adhering to the agreement would do her more injury than rejecting of it would do us. As it was through her own misconduct, or that of her representatives, that this state of things was created, she and not we ought to suffer the consequences.

And what “reasons strong and solid” has she adduced to justify the act of disavowal? The only one offered by Mr. Jackson is the following—that the agreement “involved the sacrifice of a great system of policy acted upon in retaliation of the unprecedented modes of hostility resorted to by the enemy.” On consulting the letter of Mr. Smith to Mr. Pinkney, it may be seen how much would have been sacrificed.

“Under the orders in council,” says Mr. Smith, “all the ports of Europe, except France including the kingdom of Italy and Holland, with their dependencies were opened to our commerce.

“Under the arrangement of April, combined with our act of non-intercourse, all the ports of Europe, except France and her dependencies, including the kingdom of Italy, would have been opened to our commerce.

“The difference then is reduced merely to Holland, and that again is reduced to the difference between a direct trade to the ports of Holland, and an indirect trade to Holland through the neighboring ports of Tonningen, Hamburgh, Bremen and Embden.”

All the sacrifice, therefore, which Great Britain would have made, would have been the permitting of Holland to enjoy a direct trade with us instead of an indirect trade through the ports abovementioned. Will any one say, that this small sacrifice was a sufficient reason to justify her in disavowing the agreement?

The next subject worthy of notice that is discussed by the federal writer is the insult upon our government which gave cause for the dismissal of Mr. Jackson; and on this subject we have discovered one paragraph to which we give our most cordial assent. Its sentiments are correct, and as it gives us pain to see it surrounded with such company, without one relative or friend to keep in countenance, we eagerly remove it into this our production, not only that it may enjoy congenial society, but that it may be eternally preserved.

“The right to dismiss a foreign minister, for indecorous or offensive conduct, can never be doubted by any man acquainted with public law, nor will be contested by any person who is alive to the true interests and honor of his country.”

This paragraph sheds abundant lustre upon the pamphlet from which it is taken.

“So shines a good deed in a naughty world.”

But we should never have been gratified with the sight of this concession, had not the author been prepared to assert, with his usual hardihood, *that Mr. Jackson's conduct had not been indecorous or offensive.* It did not surprise us to meet with this assertion. We, who had waded through six long numbers composed of falsehoods and misrepresentations, teeming with abundant indications of an infuriate brain and a heart destitute of all honorable feeling, were not surprised that he neither felt nor discovered the insult; nor should we have been surprised had he asserted in broader terms than were used by the “American Aristides,” “*That England had done us no essential injury.*”

The author of the numbers undertakes to shew that no part of Mr. Jackson's letters are insulting. He does this by extracting certain passages, giving them his own meaning, and then asserting triumphantly, that the insult is not there. In the same way a dexterous distorter of meanings might prove by the Bible, that “there is no God,” and shew that the author's ten numbers contain not a single falsehood.

The insult consisted, as is stated by Mr. Smith, in imputing to our government a knowledge that the instructions of Mr. Erskine did not authorise him to conclude the arrangement of April last; and persisting in the imputation after having been repeatedly assured that the government possessed no such knowledge.

It is attempted, in the pamphlet before us, to prove the truth of the imputation, and this seems to be the grand object of the British ambassador and his friends in this country. Desirable indeed must be the object to them, as they would then enjoy the pleasure of having exonerated the British Government from the charge of bad faith, and attached the stigma to our own. On this subject we have pointed out the fallacy of their representations; but were they true—were the instructions of Mr. Erskine actually known to our government—still he had no right to persist in his insinuations after they had been declared inadmissible. It was not consistent with the respect which is due from a foreign minister to the government near which he resides. Of this opinion is Mr. Dana, the leader of the federal party in Congress. In such a case as this, said he, I would not enquire whether the insinuation is well or ill founded. It is sufficient that a disgraceful imputation has been cast upon the government of my country.

The imputation, had it not been persisted in, was a gross, inexcusable insult. It was like one man accusing another of the knowledge of a certain fact, when both parties were sensible that if he did know it, he was a scoundrel.

The place where the imputation first appears, is in Mr. Jackson's *first* letter. Here, as well as at Copenhagen, he entered immediately upon the task assigned him. His words are—"I observe that in the records of this mission there is no trace of a complaint, on the part of the United States, of his majesty having disavowed the act of his minister. You have not, in the conferences we have hitherto held, distinctly announced any such complaint, and I have seen with pleasure in this forbearance on your part an instance of that candor which I doubt not will prevail in all our communications, *inasmuch as you could not but have thought it unreasonable to complain of the disavowal of an act DONE UNDER SUCH CIRCUMSTANCES as could only lead to the consequences that have actually followed.*"

To what *circumstances* does he here allude? Evidently to the knowledge which it is pretended our government possessed, that the act disavowed was contrary to Mr. Erskine's instructions; as such a circumstance, *and such only*, could make it *unreasonable* for our government to complain.

Mr. Smith undoubtedly alludes to this passage when he observes, in his letter to Mr. Pinkney, that "it was in the outset perceived, that it was the object of Mr. Jackson to bring us to resume the subject of the arrangement of April, in a way

that would imply that we were aware that the arrangement was not binding on his government, because made with a knowledge on our part, that Mr. Erskine had no authority to make it."

In Mr. Jackson's first letter occurs also the following declarations. "It is my duty, sir, solemnly to declare to you and through you to the president, that the despatch from Mr. Canning to Mr. Erskine, *which you have made the basis of an official correspondence with the latter minister*, and which was read by the former to the American minister in London, is the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement with this country on the matter to which it relates."

Here Mr. Jackson asserts, that *Mr. Smith* had made a certain despatch (to wit, Mr. Erskine's instructions) the basis of a correspondence *with the latter Minister*. How could he have made it the *basis* of a correspondence without having seen it or known its contents? I defy that party, *which encircles all the talents in the union*, to produce a man who can convey an insinuation in stronger language than this.

If this insinuation was so offensive, why, it may be asked, was not Mr. Jackson immediately dismissed? To excuse the repeated forbearance of our government, Mr. Smith thus writes to Mr. Pinkney:

"In the first instance it was deemed best rather to repel his observations argumentatively, than to meet them as an offensive insinuation. This forbearance had not the expected effect of restraining him from a repetition of the offence. And even on his further insinuations, nothing further was done than to premonish him of the inadmissibility of so indecorous a course of proceeding. This also being without effect, nothing remained but the step that was finally taken. And there was the less hesitation in shutting the door to further opportunities for insulting insinuations, as the disclosure he had made and the spirit of his discussions had so entirely shut it to the hope of any favorable result from his mission."

In consequence of this spirit of forbearance with which our government was actuated, Mr. Smith, without noticing the expressions of Mr. Jackson as insulting, wrote to him as follows in his next letter:

"The declaration that the despatch from Mr. Canning to Mr. Erskine of the 23d of January is the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it relates, is now for the first time made to this government. And I need hardly add, that if that despatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it, and which were at first presented by Mr. Erskine, were the only ones on which he

was authorised to make an arrangement, the arrangement would not have been made."

It might reasonably have been supposed that Mr. Jackson would now desist from insinuating what our government had thus peremptorily denied, but in his next letter we find the following :

"I have no hesitation in informing you, that his majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded *in violation of that gentleman's instructions*, and altogether without authority to subscribe to the terms of it. *These instructions*, I now understand by your letter, as well as by the obvious deductions which I *took the liberty* of making in mine of the 11th inst. *were at the time, in substance made known to you.*"

In this passage is an assertion that the agreement was made in violation of Mr. Erskine's instructions--and another assertion immediately follows, that *these instructions* were at the time, in substance, made known to the government. This amounts to more than an insinuation--it is a plain assertion that the government knew, at the time they made the agreement, that it was in violation of Mr. Erskine's instructions.

What are "the *obvious deductions* which he *took the liberty* of making in his letter of the 11th inst." Here he undoubtedly refers to the passages we have quoted, in one of which he says the agreement was made *under such circumstances* as could only lead to the consequences that have actually followed; and in the other that *Mr. Smith* had made the despatch in question the *basis* of an official correspondence with Mr. Erskine. These three passages, taken together, render the meaning of each more plain, and preclude the possibility of their being mistaken.

Some have raised a quibble upon the words "in substance," and say that the despatch was communicated *in substance* because the three conditions were the substance of it. But here, to use no harsher phrase, they are very much mistaken. The most material part is, that in which the conditions were prescribed to Mr. Erskine. It was this part, and this only, which was violated. And certainly it could not be said that the instructions were communicated in substance, if that part was withheld, which in this discussion is all important, as it is the only one in which they suffered violation.

But enough of this quibble. I will now quote a part of the last paragraph of Mr. Smith's next letter.

"It would be improper to conclude the few observations to which I purposely limit myself, without adverting to your repetition of a language implying a knowledge on the part of this government that the instructions of your predecessor did not authorise the arrangement formed by him. After the explicit and peremptory affirmation that this government had

no such knowledge, and that with such a knowledge no such arrangement would have been entered into, the view which you have again presented of the subject, makes it my duty to apprise you, that such insinuations are inadmissible in the intercourse of a foreign minister with a government that understands what it owes to itself."

When Mr. Jackson had read what we have just quoted, he must have known that our government understood him to insinuate that they were acquainted with Mr. Etkine's want of power to conclude the arrangement; and must have discovered that this insinuation was highly offensive to them. If he was not correctly understood, why did he not explain his meaning? That would have been his most obvious course, and the only one which he could with propriety have taken. But he did not do it, and by neglecting it, he admitted unequivocally that our government understood him *as he intended they should*.

Instead of any attempt to explain away the meaning which he knew had been attached to his expressions, he plumply adheres to it in the following most insolent and insulting paragraph, which also is the last paragraph of his next letter to Mr. Smith.

"You will find that in my correspondence with you, I have carefully avoided drawing conclusions which did not necessarily follow from the premises advanced by me, *and least of all should I think of uttering an insinuation where I could not substantiate a fact.* To facts, such as I have become acquainted with them, *I have scrupulously adhered, and in so doing I must continue,* who never the good faith of his majesty's government is called in question, to vindicate its honor and dignity *in the manner that appears to me best calculated for that purpose.*"

Base, degenerate and stupid must be that American, who can read this paragraph with composure---mean and spiritless that government which could suffer an insult such as this to pass with impunity. Thank God, we have rulers who have knowledge and feeling, and who are not disposed to be trodden under foot by an upstart minion of that king whom once we have beaten.

We have now, we presume, satisfied all, except those who will not see or cannot feel, that Mr. Jackson most grossly insulted our government; and of course that sufficient reason existed for his dismissal.

In the eighth and ninth numbers the writer attempts to shew that Mr. Smith made use of language indecorous and offensive towards Mr. Jackson. Had we time we would expose the many distortions of meaning and misrepresentations of facts, which they contain; but as we have not, we will content ourselves with observing, that Mr. Smith would have been considered tame and spiritless had he not made use of

some severity in his replies to Mr. Jackson's insults ; and that these numbers furnish additional evidence of the writer's inveterate enmity to our government, and partiality in favor of the British. He will hardly allow that Mr. Smith stated a single truth in the whole correspondence, while his dearly beloved Jackson must not be suspected of uttering a falsehood. The perusal of these numbers would do more good to the republican cause than any remarks we are able to make. The cloven foot is here too manifestly displayed to escape observation.

In his ninth number the writer completes his observations upon the correspondence between M. Smith and Mr. Jackson. But before we quit the subject we would enquire, whether there was the least probability that Mr. Jackson, had he not been dismissed, would have made any adjustment, on reasonable terms, of the differences between the two countries. This inquiry will be short, as we have already transgressed the bounds we at first prescribed to ourselves.

In regard to the orders in council, he had not, he observed, any proposals to make ; he was only authorized to receive and discuss such as our government might think proper to make to him, and *eventually* to conclude a treaty between the two nations. In the event, we presume, of our surrendering the right to trade with her enemies ; and with this right a portion of our sovereignty. That these are the events to which he alludes is evident from the documents. In his letter of the 8th of Nov. he says, that " it is unquestionably true that before the orders in council can be revoked, their object must be obtained in some other way." And in what other way can it be obtained, than by inducing us to relinquish the right to trade with the enemies of Great Britain ? And this relinquishment, according to Mr. Canning, would be " perfectly nugatory," unless we also consented that Great-Britain should have the liberty of enforcing, with her navy, the stipulations we should make. Would terms like these be reasonable.

As to the affair of the Chesapeake, Mr. Jackson was in fact authorized to make proposals ; and grossly insolent and insulting were these proposals. In the first place they were such as we had once before peremptorily declined accepting. A tender of them a second time must therefore have been highly provoking to our government.

In another respect they were insulting. They contemplated the acknowledgement on our part that the first step had been made by us. This he must have known would not be done. He must have known that our government would not, by any act whatever, *purchase* the reparation of a most outrageous aggression.

In yet another respect they were insulting and inadmissible. They expressed his Majesty's willingness " to restore the men taken on board the Chesapeake, but reserved to him the right of claiming the discharge of such of them (if any) as shall be

proved to be deserters from his Majesty's service." The denomination of deserters includes all such American citizens as had been impressed by the British, or had enlisted in their service. If therefore we had agreed to these proposals, although the men were real American citizens, and had perhaps been impressed, we must nevertheless have returned them, if it could be proved that they had ever deserted from the British service. In doing this we should have surrendered a point which the English knew we had contended for as the *sine qua non* of a treaty.

In the laws of England on this subject there is something strangely absurd and unreasonable. According to them she has a right to every English man wherever found and however long he may have been absent from his country, and also to every American who has served two years in her navy. If therefore an English man has served *forty* years in *our* navy, she has still a right to impress him; but if one of our citizens has served only *two* years in *her* navy, *we* have no right ever to demand him.

These proposals bring the only ones that Mr. Jackson was authorized to make, and being thus insistent and insulting in their nature, could it have been expected that any good would result from his mission? Must not our government have supposed that he was sent merely to cajole and insult us?

If however, the British government have any wish or intention to conclude a treaty on equitable terms, they have still an opportunity. Mr. Pinkney has been particularly instructed to inform them that further negotiation would be agreeable to us. It is the minister, not the nation, with which our government is in this case offended, and especial care has been taken to assure the nation of this. No pretence therefore can exist that it was hostility to Great Britain that occasioned the dismissal of Mr. Jackson. Should another minister be sent he would be received with pleasure and treated with respect.

In his tenth and last number the author of the pamphlet before us has some observations upon the documents in relation to our intercourse with France. "The most material parts of these," says he, "are suppressed. This is not all—*whole* letters and the *whole history* of our late negotiation with France is kept behind the curtain."

It would be gratifying to the public to know how the writer became possessed of this important fact; and it was his duty to state on what authority he made the declaration. We might then judge of its credibility. His simple assertion ought not to enforce belief, especially after we have proved that he sometimes finds no difficulty in asserting a falsehood.

It is not probable that the President has suppressed any material part of the documents. It was his duty to communicate whatever was necessary to be known, which he has undoubtedly done.

A note from Mr. Champagny is the only important part of the documents published. In this note he pretends to make known the invariable principles which have regulated and which will regulate the conduct of Bonaparte on the great question of neutrals. These principles are in the highest degree unexceptionable, liberal and just. They are precisely those for which we are contending in our negotiations with Great-Britain; and had Bonaparte, as he professes, always made them the rule of his conduct, no neutral would ever have had cause of complaint against him. The following are the closing paragraphs of the note:

"Thus, sir, France acknowledges in principle, the liberty of the commerce of neutrals and the independence of maritime powers. She has respected them until the moment when the maritime tyranny of England, which respected nothing, and the arbitrary acts of its government, have forced her to measures of reprisal, which she has not adopted but with reluctance. Let England revoke her declarations of blockade against France: France will revoke her decree of blockade against England. Let England revoke her orders in council of the 11th of Nov. 1807; the decree of Milan will fall of itself.

"The American commerce will then have regained all its liberty, and it will be sure of finding favor and protection in the ports of France. But it is for the United States, by their firmness, to bring on these happy results. Can a nation that wishes to remain free and sovereign, even balance between some temporary interests, and the great interests of its honor, of its sovereignty, and of its dignity."

This note has been called "*insulting in the extreme*"—"*a most impudent letter*"—"the quintessence of arrogance, hypocrisy and villany." We have read it and re-read it, in order to find something to justify this string of epithets. We were for a long time wholly unsuccessful, and to this hour should have remained in the dark, had we not most fortunately recollected the advice of our much respected professor at college—that the best way to arrive at the meaning of an obscure passage, was to place ourselves, as much as possible, in the situation of the person who wrote it. We immediately transformed ourselves into a full-blooded federalist, and soon felt all the prejudice, partiality and malignity of such a character rankling in our bosom. In this terrible situation, raging with all the agony of a Pythian priestess when she delivers her responses, we took up the paper and perused the note. Insults then glared in every paragraph; and at every paragraph we were forced to stop and vent our indignation. But the following was too much to bear:

"If the English had on the land that superiority they have obtained at sea, we should have seen, as in the times of barbarism, the vanquished sold as slaves, and their land parcelled

out. Mercantile avidity would have usurped every thing; and the return to barbarous usages would have been the work of the government of a nation that has improved the arts and civilization. That government is not ignorant of the injustice of its maritime code—but what signifies to it what is just? It only considers what is useful to itself.”

Now having had the good fortune “*excussisse Deum*,” and having resumed the character more conformable to our nature, we are able sincerely and dispassionately to declare that we can find no passage which would justify an *American citizen* in bestowing upon the note such outrageous epithets.

We do not wish to be considered the advocates or the apologists of France. We have no affection but for our own country. Our object has been to shew that nothing appears in the documents which required that Mr. Madison should notice her conduct in terms of greater severity than he actually employed in his message. This being shewn, the federalists can then have no pretence for accusing him of partiality to that nation.

The task we had undertaken of exposing a few of the principal misrepresentations in the federal pamphlet, is now completed. Well pleased should we have been had some abler pen precluded the necessity of our labors. Nothing can certainly be more disagreeable than the task of detecting falsehoods—nor more disgusting than the contemplation of the state of depravity into which some of our fellow-creatures have voluntarily reduced themselves.

In the course of our labors it has been our object to shew,

That Mr. Canning had no right to presume that the three conditions in his despatch of the 23d of January, would be agreeable to our government. Of course they were offensive and insulting.

That Mr. Erskine had in fact, and even in the opinion of those who sent him, sufficient powers to authorise him to conclude such an agreement as that of April last.

That our government had no right to demand a sight of Mr. Erskine's instructions or powers, but that in so doing, they would have acted improperly.

That they did not know the substance of them, nor did any thing exist, when the arrangement of April was made, to induce them to suppose that Mr. Erskine acted in violation of them.

That probably Mr. Erskine had other instructions than those of the 23d of January, by which he regulated his conduct.

That there is no similarity between the case of the rejection of Monroe's *treaty*, and that of the rejection of Mr. Erskine's *agreement*.

That the British government had no right to disavow Mr. Erskine's agreement, unless they could offer, independent of the violation of instructions, “strong and solid reasons” for the disavowal, and that such reasons have not been offered.

That Mr. Jackson most grossly insulted our government by imputing to them a knowledge of Mr. Erskine's instructions, even after they had positively assured him that no such knowledge existed ; and that therefore they were justified in dismissing him.

That had he not been dismissed, not the least probability exists that the negociation with him would have had a favorable issue.

That the documents in relation to France did not, as is pretended, contain any thing outrageously insulting to this government, and therefore that the charge against Mr. Madison, of partiality to that nation, is totally unfounded.

These points, the contrary of all of which is advanced by the federal writer, we have attempted to establish, and we have, we presume, succeeded to the satisfaction of an impartial and dispassionate public.

But we cannot dismiss this subject, without calling upon our fellow citizens in the earnest voice of one who enjoys the same blessings, and whose destiny is intimately connected with theirs, to frown with indignation upon those adherents of Britain, whose efforts are perseveringly directed to render every act of our government unpopular, and to sap the foundation of our liberty and independence. We call upon them, with all the fervency of brotherly affection, to watch their motions, their conduct and their manoeuvres ; to distrust their pretensions to patriotism, more especially when those pretensions are accompanied with conduct incompatible with patriotism---when they shamelessly calumniate the government of their country, *which can have no inducement to do wrong*, and openly justify every act of a foreign kingdom evidently hostile to our interests. We entreat them to rally round the standard of their country, and assure them that in times of doubt, of difficulty, and of peril, that course is the only one which *can be proper*---the only one which it becomes a patriot to pursue.

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